

The Nuclear Industry Compensation Scheme for Radiation Linked Diseases

Agreement was reached in July 1994 for the Ministry of Defence and its trade unions to join the Compensation Scheme for Radiation Linked Diseases. The Scheme is a joint initiative between the participating employers and their trades' unions. It is managed on a day-to-day basis by an independent Executive Secretary on behalf of all participants. The Ministry of Defence, AWE plc, DML, Babcock Rosyth, Babcock Naval Services, BNFL, UKAEA, British Energy Generation and British Energy Generation (UK) Ltd are all Scheme members. Claimants must be an employee or ex-employee of a Scheme participant or a dependant in the case of the employee's death. A radiation dose record must exist for the individual and they must have contracted or died from a disease covered by the Scheme. This includes most (but not all) forms of cancer as well as cataracts.

The Compensation Scheme provides an alternative to legal action and overcomes the difficulty of proving cases and both trade unions and employers were aware of the distress caused to claimants in legal cases, the length of time such action can take, and the risk of high costs. A court will assess a case on the balance of probability – effectively, a claimant needs to show that there is at least a 51% chance that their illness was caused by radiation exposure. The Compensation Scheme is designed to be faster, less costly, less traumatic, and adopts a less vigorous test than applied by the courts. Compensation will be paid on the basis of a 20% probability that the illness was caused by occupational radiation exposure.

It should be borne in mind that cancer is one of the most common diseases in the developed world. Around one in three of the UK population contracts the disease and around one in four die from it. Thus not all cases applying to the Scheme will be successful. The purpose of the Scheme is to attempt to distinguish cases where there is a reasonable probability that they have been caused by occupational radiation exposure from those where there is a low probability.

All claimants are assessed according to criteria which apply to all employers within the Scheme including MOD. Because it is generally not possible to distinguish between a radiation-induced cancer and that occurring spontaneously a causation probability is calculated using the latest scientific and medical knowledge. The causation probability is dependant on age, gender, the time between exposure and diagnosis and type of cancer. Some cancers are not eligible because there is no known link between that particular illness and radiation. For cases diagnosed below the age of 50 and for life-long non-smokers with lung cancers, the causation probability is enhanced. Special consideration is given to respiratory cases with a smoking history, those who contract leukaemia after being exposed to radiation when under 21, and for thyroid and breast cancer; these cases are determined by an Expert Panel who are appointed by the Scheme employers and unions because of their expertise in fields relevant to these types of cases.

When the Executive Secretary has assessed a case, a case assessment report is produced, agreed with the employer(s) and passed, via their union, to claimants for their comment. If the causation probability is below 20%, the case will not receive payment, although if the causation probability is between 15-20%, the union can ask for a further review to be made. Claimants with a causation probability of between 20-30% receive a quarter payment, between 30-40% a half payment, between 40-50% a three-quarter payment and over 50% a full payment. Where a payment is awarded, Quantum (the settlement value assessed as though a full payment had

been awarded) is arrived at by negotiation between Solicitors engaged by the Scheme and the employer. Once agreed, the appropriate payment fraction is applied to give the final settlement value. It is an essential feature of the Scheme that cases are never closed. Service claimants can apply to the scheme, being a trade union member is not a requirement of being considered for compensation. In the event of further evidence becoming available, such as changes to a claimant's dose history or advances in scientific or medical knowledge, cases can be reassessed. Applicants may apply through their trade union, or to the Compensation Scheme Executive Secretary, B582/IFS British Nuclear Group Sellafield, Cumbria CA20 1PE (Tel. 01946 774716). The Scheme is entirely voluntary; claimants can choose whether to use the scheme or to take legal action against their employer for radiation injury. The trade unions recommend the Scheme. More information is available on the Scheme's website at www.csrlid.org.uk

MOD Radiation Worker Counselling

Ministry of Defence radiation workers, former radiation workers, and their families, who have concerns about the health effects arising from exposure to radiation during MOD employment are eligible for counselling and may obtain radiation dose summaries. Radiation workers who do not want counselling but wish to obtain a summary of their radiation exposure may also do so under these arrangements. Counselling will provide an opportunity to discuss any concerns with someone medically qualified to advise. The counselling does not involve any medical examination, or any form of medical surveillance or screening.

Individuals may request counselling or dose summaries by telephoning the Counselling Telephone Line on 02392 768098 and leaving their names and addresses or by writing to the MOD Counselling Registry at DSTI Radiological Protection Services, Crescent Road, Alverstoke, Gosport, Hants PO12 2DL. For those working at HMNB Devonport, HMNB Clyde, or NRTE Vulcan, or former workers at these establishments and their families, application should be made to the establishment medical centre.

For employees, former employees and their families at AWE plc application should be made in the first instance to the Company. Individuals employed by Babcock Rosyth Defence Ltd should also apply to the Company. Former employees of HMNB Rosyth should apply to HMNB Clyde, Faslane.